

IC 34-15-3

Chapter 3. Defamation Actions Against Radio and Television Broadcasters

IC 34-15-3-1

Applicability of chapter

Sec. 1. (a) This chapter applies to a suit brought for:

- (1) publishing;
- (2) speaking;
- (3) uttering; or
- (4) conveying by words, acts, or in any other manner;

a libel or slander by any radio or television station or company in Indiana.

(b) Section 3 of this chapter does not apply to a case of libel or slander against a candidate for a public office in Indiana, unless the retraction of the charge is made in an audible or visible manner at least three (3) days before the election.

As added by P.L.1-1998, SEC.10.

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Service of notice

Sec. 2. At least three (3) days before filing a complaint in a suit described in section 1 of this chapter, the aggrieved party shall serve notice:

- (1) in writing;
- (2) on the manager of the radio or television station;
- (3) at the principal office of the radio or television station; and
- (4) that specifies the words or acts that the aggrieved party alleges to be false and defamatory.

As added by P.L.1-1998, SEC.10.

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Retraction mitigates damages

Sec. 3. The plaintiff in a suit described in section 1 of this chapter may recover only actual damages if it appears, upon trial of the action, that:

- (1) the words or acts were conveyed and broadcast in good faith;
- (2) the falsity of the words or acts was due to mistake or misapprehension of the facts; and
- (3) a full and fair retraction of any words or acts alleged to be erroneous was conveyed or broadcast:
 - (A) on a regular program of the radio or television company;
 - (B) within ten (10) days after the mistake or misapprehension was brought to the knowledge of the manager; and
 - (C) at approximately the same time and by the same sending power so as to be as visible and audible as the original acts or words complained of.

As added by P.L.1-1998, SEC.10.

